

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICK LARSEN, individually and on behalf
of all others similarly situated,
Plaintiff,

v.

PTT, LLC, doing business as High 5 Games,
LLC; HIGH 5 ENTERTAINMENT LLC,
Defendant.

Case No. 3:18-cv-05275-TMC

ORDER REQUIRING SUPPLEMENTAL
BRIEFING


I. ORDER

By no later than Friday, January 24, 2025, both parties are directed to file supplemental briefs of no more than 10 pages addressing (1) whether the Seventh Amendment requires a jury to decide whether to award treble damages under the Washington Consumer Protection Act (“CPA”) when CPA claims are brought in federal court; and (2) if so, how the jury should be instructed. *See, e.g., F.C. Bloxom Co. v. Fireman’s Fund Ins. Co.*, No. C10-1603-RAJ, 2012 WL 5992286, at *3–6 (W.D. Wash. Nov. 30, 2012) (Seventh Amendment requires jury trial on enhanced damages under Washington’s Insurance Fair Conduct Act); *Northwestern Mut. Life Ins. Co. v. Koch*, 771 F. Supp. 2d 1253 (W.D. Wash. 2009) (same). The parties may also wish to

1 review the previous jury instructions and verdict form used by this Court in *Hotel Roslyn LLC v.*
2 *Amguard Ins. Co.*, No. 2:22-cv-01344-TMC, Dkts. 121, 127, 128, 129.

3 Alternatively, if both parties agree to submit the question of treble damages to the Court
4 and waive any potential Seventh Amendment right, the parties may submit a stipulation to that
5 effect in lieu of supplemental briefing.

6 Dated this 14th day of January, 2025.

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8 Tiffany M. Cartwright
9 United States District Judge
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